

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 19197
[Redacted],)	
)	DECISION
Petitioner.)	
_____)	

On April 18, 2005, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing income tax, penalty, and interest for tax years 1997, 1998, 1999, 2001, and 2002 in the total amount of \$11,007.

The taxpayer protested the determination. He did not request a hearing but did provide additional information. The Tax Commission, having reviewed the file, hereby issues its decision based thereon.

Idaho Code § 63-3030 states:

63-3030. Persons required to make returns of income.--

(a) Returns with respect to taxes measured by income in this chapter shall be made by the following:

(1) Every resident individual required to file a federal return under section 6012(a)(1) of the Internal Revenue Code.

(2) Any nonresident individual having for the current taxable year a gross income from Idaho sources in excess of two thousand five hundred dollars (\$2,500), or any part-year resident individual having for the current taxable year a gross income from all sources while domiciled in or residing in Idaho, and from Idaho sources while not domiciled in and not residing in Idaho, which in total are in excess of two thousand five hundred dollars (\$2,500);

Information available to the Tax Commission indicated the taxpayer was an Idaho resident who met the filing requirements for filing Idaho resident income tax returns during the years in question. Because the Tax Commission's files did not include the taxpayer's Idaho tax returns, the Bureau prepared Idaho individual income tax returns on the taxpayer's behalf and issued a notice of deficiency, which the taxpayer appealed.

In his letter of protest, the taxpayer said he was having the missing returns prepared by [Redacted]. He said he expected to submit the returns for all years no later than September 15, 2005. Subsequently, the Bureau received the taxpayer's Idaho returns for years 1998, 1999, 2001, and 2002.

The Bureau notified the taxpayer by letter dated October 11, 2005, that his 1998 through 2002 Idaho returns were accepted as filed and the NODD addressing taxable years 1998, 1999, 2001, and 2002 was canceled. The taxpayer was advised the 1997 return was still not filed and was asked to provide a date when the Tax Commission might expect to receive the return.

After allowing the taxpayer time to prepare the last missing return, the taxpayer's file was transferred to the Legal/Tax Policy Division for administrative review. The taxpayer did not respond to a letter from the Tax Appeals Specialist wherein he was advised of his rights regarding his appeal. To date, the taxpayer's 1997 Idaho individual income tax return has not been filed with the Tax Commission.

The Bureau calculated the taxpayer's 1997 Idaho income tax responsibility [Redacted].

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Comm'n, 110 Idaho 572 (Ct. App. 1986). The burden is on the taxpayer to show that the tax deficiency is erroneous. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

The taxpayer has failed to file his 1997 Idaho individual income tax return. Absent information to the contrary, the Tax Commission accepts the Bureau's calculation of Idaho income tax due for those years. No withholding was identified.

WHEREFORE, the Notice of Deficiency Determination dated April 18, 2005, is hereby MODIFIED and, as so modified, is APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pays the following tax, penalty, and interest for 1997:

<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$1,677	\$419	\$900	\$2,996

Interest is calculated through March 1, 2006.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of the taxpayer's right to appeal this decision is included with this decision.

DATED this ____ day of _____, 2006.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2006, a copy of the within and foregoing DECISION was served by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[Redacted]

Receipt No.
